

Francis X. Bauer, Attorney at Law
State Bar No. 01920600
P.O. Box 207
Sulphur Springs, TX 75483-0207
(903) 439-6224 Telephone
(903) 885-1385 Facsimile
fbauer@easttexasattorneys.com
Attorney for City National Bank of Sulphur Springs

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE:

GARY R. GRIFFITH

Debtor.

§
§
§ **CASE NO. 13-33404-HDH11**
§ **CHAPTER 11**
§
§ **Preliminary**
§ **Hearing Date: February 18, 2014**
§ **Time: 1:30 P.M.**
§ **Judge: Hale**

**LIST OF POTENTIAL WITNESSES AND EXHIBITS IN REGARDS TO HEARING
ON MOTION FOR LIFT OF STAY OR FOR ADEQUATE PROTECTION**

COMES NOW, CITY NATIONAL BANK OF SULPHUR SPRINGS (“Claimant”) in the above-styled and numbered cause, who files this its Potential Witness & Exhibit List in the case of Gary R. Griffith, the Chapter 11 Debtor in the above styled and referenced bankruptcy case (the “Debtor”):

1. Potential Witnesses

- a. Sue Horchem, Senior Vice President of City National Bank of Sulphur Springs, concerning records and other documents kept in the ordinary course of business by City National Bank relative to the loans by and between City National Bank as lender, and Gary Griffith, as borrower true and correct copies, including but not limited to the payment histories of Debtor to Claimant relative to Debtors real estate note and equipment note of which records are attached to Claimant’s claims and to Movant’s motion for relief from stay.
- b. Debtor, Gary R. Griffith, and any witnesses called by Debtor.

c. Any rebuttal witness.

2. Potential Exhibits

- a. Universal Note dated March 14, 2011 in the original principal sum of \$52,999.00
- b. Commercial Security Agreement for the Universal Note dated March 14, 2011.
- c. Financing Statement for the Universal Note dated March 14, 2011.
- d. Adjustable Rate Note dated February 17, 2011 in the original principal sum of \$1,073,272.16.
- e. Loan History for the Universal Note dated March 14, 2011.
- f. Deed of Trust
Loan History for the Adjustable Rate Note dated February 17, 2011.
- g. HUD Statement for the \$1,425,000.00 for the purchase of the property.
- h. Real estate appraisal dated February 15, 2011.
- i. Wood County appraisal district valuation of the real property pledged by Debtor to Claimant for 2013.
- j. Tri-County Title Search Certificate.
- k. Certified copy of Abstract of Judgment filed by Victoria National Bank in Wood County, Texas on February 13, 2013 in the amount of \$35,511.44. (copy attached)
- l. Certified copy of Abstract of Judgment filed on behalf of Todd Aaron in Wood County, Texas on March 21, 2013 in the amount of \$92,427.00. (copy attached)
- m. Certified copy of Abstract of Judgment filed on behalf of Berkley Aviation in Wood County, Texas on April 16, 2013 in the amount of \$372,929. (copy attached)
- n. Certified copy of Abstract of Judgment filed on behalf of Patriot Bank (Patriot Bank vs Tactical Insurance Group) in Wood County, Texas on August 16, 2013 in the amount of \$366,052.66. (copy attached)

o. Debtor's schedules and statement of financial affairs.

The referenced exhibits not attached hereto are attached to Movant's motion.

Copies of all of the above documents have been furnished or made available to counsel for Debtor, or were exchanged with or came from Debtor's counsel. In addition to the above and foregoing, Lender reserves the right to rely upon and seek judicial notice of any of Debtor's filings in this bankruptcy case.

Respectfully submitted,

/s/ Frank Bauer

Attorney for City National Bank of Sulphur
Springs
P.O. Box 207
Sulphur Springs, TX 75483-0207
Telephone No. 903.439.6224
Facsimile No. 903.885.1385

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing was served by first class U.S. mail, upon the United States Trustee, counsel for Debtor, and upon all persons requesting notices via ECF mailing, on this 31st day of January, 2014.

/s/ Frank Bauer
